

Wheat Belt PPD

2104 Illinois Street . P O Box 177

Sidney, NE 69162

September 19, 2007

Nebraska Public Service Commission
P.O. Box 94927
Lincoln, NE 68509-4927

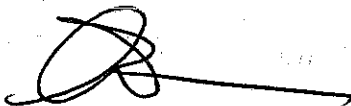
Dear Commissioners,

RE: Rule and Regulation No. 170

I am very appreciative of the Commission reviewing this rule and regulation. Dealing with the railroads for the crossing of wires at public highways has been a nightmare for most all Nebraska PPD managers for a long, long time.

I am sure you will receive numerous comments on the proposed process and technical aspects of the rules and regulations. I would like to comment on two other side issues that mustn't be lost in the discussions.

1. **Insurance** : one of Wheat Belt's biggest complaints is the railroad always insisting that we purchase their liability insurance for the day or so the actual crossing work would take. This insurance premium, for a day or so, usually runs into several thousand dollars, and holds the District liable for absolutely everything that could go wrong in that work area, even if the railroad itself is 100% culpable for any incident. Totally wrong. Our own insurance company, Federated Rural Electric Insurance Exchange, has stated that we are totally and adequately covered by our existing policy, but the railroads will not accept that fact, and try and force us to spend several thousand dollars to purchase their redundant insurance.
2. **Experience** : an anecdote - the last experience we had with Burlington Northern, we refused to purchase the insurance and proceeded with condemning the air space over the tracks that we needed for our lines. We had a professional surveyor come out and legally define the air space corridor we needed for the wires crossing, a professional appraiser then put a value of a few hundred dollars on the air space, and the morning that we were scheduled to appear in District Court, the railroad all of a sudden became very cooperative.



Aavo Taaler - manager

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